

Louis J. Knobbe*
Don W. Martens*
Gordon H. Olson*
James B. Bass
Darrall L. Olson*
William B. Bunker
William H. Nieman
Arthur S. Rosa
James F. Lesniak
Ned A. Israelsen
Drew S. Hamilton
Jerry T. Sewell
John B. Spanga, Jr.
Edward A. Schlatter
Gerard von Hoffmann
Joseph R. Re
Catherine J. Holland
John M. Carson
Karen Vogel Welt
Andrew M. Simpson
Jeffrey L. Van Hooser
Daniel E. Allen
Marguerite L. Gunn
Stephen C. Jensen
Vito A. Canuso III
William H. Shreve
Lynda J. Zadra-Symez
Steven J. Nalupaaky
Paul A. Stewart
Joseph F. Jennings
Craig S. Summers
AnneMarie Kaiser
Brenton R. Babcock
Thomas F. Senechal, Jr.
Michael H. Trenholm
Diane M. Reed
Ronald J. Schoenbaum
John R. King
Fredrick S. Berretta
Nancy W. Vensko
John P. Gieseler
Adele S. Akhtar
Ginger R. Dreger
Thomas R. Arno
David N. Wells
Daniel Hart, Ph.D.
Douglas G. Muehlhauser
Lori Lee Yamato

Michael K. Friedland
Dale C. Hunt, Ph.D.
Richard E. Campbell
Paul D. Tripodi II
Stacey R. Halpern
Lee W. Henderson, Ph.D.
Mark M. Abumari
Jon W. Gurka
John W. Holcomb
Joseph M. Reisman, Ph.D.
Michael L. Fuller
Deborah S. Shephard
Eric M. Nelson
Mark R. Benedict, Ph.D.
Paul N. Conover
Robert J. Roby
Sabing H. Lee
Karoline A. Delaney
James J. Mullen III, Ph.D.
Joseph S. Cianfrani
William R. Zimmerman
Glen L. Nulbali
Eric S. Furman, Ph.D.
Tirzah Abd Lowe
Alexander Franco
Sanjivpal S. Gill
Susan Moss NaUand
James W. Mill, M.D.
Rose M. Thlossen, Ph.D.
Michael A. Gulliana
Mark J. Kertz
Reinhold N. Narvia
Bruce S. Ilchakwitz, Ph.D.
Peter M. Midgeley
Thomas S. McClenahan
Michael S. Okamoto
John M. Grover
Mallory K. De Matlier
Irfan A. Lalceel
Amy C. Christiansen
Sharon S. Sig
Mark J. Gallagher, Ph.D.
David G. Jankowski, Ph.D.
Brian C. Horne
Payson J. LeMaitre
Shella N. Swarrop
Ben A. Katzenellenbogen
Linda H. Liu

Knobbe Martens Olson & Bear LLP

Intellectual Property Law

550 West C Street
Suite 1200
San Diego CA 92101
Tel 619-235-6550
Fax 619-235-0176
kmoeb.com

June 19, 2002
3:42 PM

CONFIRMATION COPY WILL FOLLOW VIA:

- ☐ MAIL
- ☐ INTERNATIONAL AIRMAIL
- ☐ COURIER
- ☐ E-MAIL
- ☒ WILL NOT FOLLOW
- ☐ HAND DELIVERY
- ☐ WITH ENCLOSURES
- ☐ WITHOUT ENCLOSURES

Jeffrey S. Ellsworth
Andrew N. Merckel, Ph.D.
Douglas T. Hudson
David L. Hauser
Kaare D. Larson
James F. Horkenhoff
Scott L. Murray
Roger S. Shang
Andrew M. Douglas
Marc T. Morley
Salima A. Merani, Ph.D.
Sam K. Tahmassebi, Ph.D.
Christy L. Green
Jalal Sedr
Jonathan A. Hyman
Curtiss C. Dosier
Richard A. DeCristofaro
Donna O. Perdue, Ph.D.
Joseph J. Mallon, Ph.D.
Joanne L. Dulek
Thomas P. Krzminski
Jeffrey A. Birchak
Sean M. Murray
Jason P. Fiorillo
Elenora Niu
Valeria L. Brackan
Samuel K. Simpson
Johnnie F. Korlee
Jeremy P. Sanders
Perry D. Oldham
Jerry L. Hefner
Russell M. Jaldo
Abraham W. Chuang
Ryan N. Farr
Pui Tong Ho
Erik T. Anderson
John L. Paik
Eric K. Norton
Jesse A. Rothwell
Marc C. Baumgartner
Ray B. Horn
Danielle Klausner
Kyle F. Schlueter
Raphael A. Gutierrez
Damian K. Jackson
Neilhan A. Engels

Of Counsel
Jerry R. Saller
Paul C. Steinhardt

Japanese Patent Atty
Katsuhiko Arai
Tomohisa Sugiyama

European Patent Atty
Martin Heilebrandt

Korean Patent Atty
Minchool Kim
Heungsoo Choi

Solicitor (England & Wales)
J. David Evered

Scientists & Engineers
(Non-Lawyers)

Raimond J. Salenlaks**
Khuram Rabbani, Ph.D.
Jennifer A. Haynos, Ph.D.**
Tommy Y. Nagala
Che S. Chareskin, Ph.D.**
James W. Ausley**
Jennifer Hayes
Xirk E. Paatorien, Ph.D.**
Charles T. Ridgely
Bonny Young, Ph.D.
Gonnie C. Tong, Ph.D.
Suzanne G. Jepson, Ph.D.
David K. Wiggins
Megan M. McCoy
Nira M. Brand
Catherine M. Sanders
Jeffrey A. Hopkins
Tiffany C. Miller
James W. Chang, Ph.D.
Marina L. Gordys, Ph.D.
Ed DesJardins, Ph.D.**
W. Frank Dausier
Liang J. McHardy
Karen J. Lenker
Chris B. Westberg, Ph.D.
Eric B. Ives, Ph.D.
David C. Weber

* A Professional Corporation
† Also Barred At Law (by 6 States)
** U.S. Patent Agent

Facsimile Transmittal Sheet

Confidentiality Notice:

The documents accompanying this facsimile transmission contain confidential information which may be legally privileged. The information is intended only for the use of the recipient named below. If you have received this facsimile in error, please immediately notify us by telephone to arrange for return of the original documents to us; any disclosure, copying, distribution or the taking of any action in reliance on the contents of this faxed information is strictly prohibited.

TO: United States Patent and Trademark Office
ATTENTION: LICENSING AND REVIEW
FACSIMILE NO.: 703-305-6384
FROM: AnneMarie Kaiser, Reg. No. 37,649
CLIENT CODE: GNE.3030R1C3
APP. NO.: 10/036,160
PAGES: 3 (INCLUDING THIS SHEET)

IF YOU DID NOT RECEIVE ALL OF THE PAGES, PLEASE CALL BACK IMMEDIATELY.

MESSAGE: Please see the attached.

SADOC5MTM\MTM-2751.DOC\061902

RECEIVED
JUN 19 2002
LICENSING & REVIEW

620 Newport Center Drive
Sixteenth Floor
Newport Beach, CA 92660
Tel 949-780-9424
Fax 949-780-9502

201 California Street
Suite 1150
San Francisco CA 94111
Tel 415-355-4114
Fax 415-355-4111

1900 Avenue of the Stars
Suite 1425
Los Angeles CA 90067
Tel 310-551-3450
Fax 310-551-3450

3403 Tenth Street
Suite 700
Riverside CA 92501
Tel 951-781-8221
Fax 951-781-4507

GNE.3030R1C3

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

PATENT

Applicant : Desnoyers et al.)
 App1. No. : 10/036,160)
 Filed : December 26, 2001)
 For : SECRETED AND)
 TRANSMEMBRANE)
 POLYPEPTIDES AND NUCLEIC)
 ACIDS ENCODING THE SAME)
 Examiner : Unknown)

CERTIFICATE OF FAX TRANSMISSION

I hereby certify that this correspondence and all
 marked attachments are being facsimile transmitted to
 the Patent and Trademark Office on the date shown
 below:

June 19, 2002

(Date)

AnneMarie Kaiser, Reg. No. 37,649

**REQUEST FOR WITHDRAWAL OF REQUIREMENT FOR DEPARTMENT OF
 ENERGY PROPERTY RIGHTS STATEMENT UNDER 1002.02(c)(1)**

Assistant Commissioner for Patents
 P.O. Box 2327
 Arlington, VA 22202

Attn: LICENSING AND REVIEW

Dear Sir:

RECEIVED
 JUN 19 2002
 LICENSING & REVIEW

Applicants hereby request reconsideration and withdrawal of the Notice mailed on May 20, 2002 relating to the Department of Energy property rights statement under 42 U.S.C. 2182. A copy of the Notice is attached.

The subject matter in the above-referenced application is not "useful in the production or utilization of special nuclear material or atomic energy." Instead, the subject matter of the above-referenced application relates to the identification and isolation of novel nucleic acids and to the recombinant production of novel polypeptides.

Applicants therefore request that the Notice and requirement for a property rights statement be withdrawn and that the application be passed to Group Art Unit 1646 for examination.

Respectfully submitted,
 KNOBBE, MARTENS, OLSON & BEAR, LLP

Dated: June 19, 2002

By: AnneMarie Kaiser

AnneMarie Kaiser
 Registration No. 37,649
 Attorney of Record
 620 Newport Center Drive
 Sixteenth Floor
 Newport Beach, CA 92660
 (619) 235-8550

THE JUDGE (3) 3-11
GRD/AOK/MTM



**UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office**

Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231

SERIAL NUMBER	FILING DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
10/036,160	12/26/01	DESNOYERS, ET AL.	P3030R1C3

GINGER R. DREGER
KNOBBE MARTENS OLSON & BEAR
SUITE 1150
201 CALIFORNIA STREET
SAN FRANCISCO, CA 94111

EXAMINER	
ART UNIT	PAPER NUMBER

PATENT & TRADEMARK OFFICE

DATE MAILED:

MAILED

MAY 20 2002

LICENSING & REVIEW

**IF NO RESPONSE TO THIS NOTICE IS RECEIVED WITHIN FORTY-FIVE DAYS, A
FORMAL REQUIREMENT WILL BE ISSUED**

The subject matter of this application appears to:

☒ be "useful in the production or utilization of special nuclear material or atomic energy" as recited in 42 U.S.C. 2182 (Department of Energy (DOE)).

☐ "have significant utility in the conduct of aeronautical and space activities" as recited in 42 U.S.C. 2457 (National Aeronautics and Space Administration (NASA)).

Accordingly, no patent can issue on this application unless applicant(s) file a statement (under oath or in the form of a declaration as provided by 37 CFR 1.68) setting forth (1) the full facts concerning the circumstances under which the invention was made and conceived and (2) the relationship (if any) of the invention to the performance of any work under any contract or other arrangement with the Agency(ies) noted above. On the reverse side of this form is an example of an acceptable format for this statement. The language appearing in paragraphs III and/or IV of the example *must* appear if applicant is attempting to establish that no relationship (under item 2 above) exists.

If the invention disclosed in this application was developed under a contract, grant or cooperative agreement between the Agency indicated above and a person, small business or non-profit organization and rights to the invention have been determined by specific reference to 35 U.S.C. 202 in the contract, grant or cooperative agreement, then applicant need not submit the statement described above. Instead, applicant may file a verified statement (under oath or in the form of a declaration, 37 CFR 1.68) setting forth the information required by 35 U.S.C. 202(c)(6).

IF NO STATEMENT HAS BEEN RECEIVED WITHIN FORTY-FIVE DAYS OF THE MAIL DATE INDICATED ABOVE, a formal requirement for statement will then be issued. No provision is made for extension of the statutory thirty-day period for response to the formal requirement and the penalty for failure to file an acceptable and timely statement is abandonment of the application. Therefore, applicants are strongly encouraged to submit a statement at this time in order to avoid the issuance of a formal requirement.

IT IS IMPORTANT TO NOTE that the statement must accurately represent the property rights situation of the claimed invention if and when the application is found allowable. Thus, if during prosecution before the examiner, the claimed invention is so altered or the property rights situation so changed as to impact the accuracy of a statement submitted earlier, a supplemental statement must be filed. Failure to submit such additional information where appropriate may be considered a false representation of material facts and render the patent owner vulnerable to loss of patent rights and other sanctions as set forth in the statutes. The PTO will not review allowed applications for this possibility. The responsibility for complying with the statutes rests with the applicants.

Any questions regarding this requirement should be directed to Licensing and Review at (703) 305-0839.

**PLEASE DIRECT ALL COMMUNICATIONS RELATING TO THIS MATTER TO THE
ATTENTION OF LICENSING AND REVIEW**

U.S. DEPARTMENT OF COMMERCE